

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **CRIMINAL NO.** **05-162**

v. : **DATE FILED** **3-22-2005**

JAMES HOGELAND : **VIOLATIONS:**

: **21 U.S.C. § 841(a) (possession with the**
intent to distribute methamphetamine - 1
count)

: **18 U.S.C. § 924(c)(1) (possessing a**
firearm in furtherance of a drug
trafficking crime - 2 counts)

: **18 U.S.C. § 922(g)(1) (felon in possession**
of a firearm - 1 count)

: **26 U.S.C. § 5861(d) (possession of an**
unregistered firearm - 3 counts)

: **18 U.S.C. § 922(k) (possession of firearm**
with obliterated serial number - 1 count)

: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about July 15, 2004, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

JAMES HOGELAND

knowingly and intentionally possessed with intent to distribute more than 50 grams, that is
approximately 450.1 grams, of a mixture or substance containing a detectable amount of
methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 15, 2004, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

JAMES HOGELAND

knowingly possessed a firearm, that is, (1) a Smith & Wesson, model 422, .22 caliber pistol, serial number TBZ5138, loaded with seven live rounds of ammunition; (2) a Smith & Wesson, model Mark II 1st Model, .455 Mark II caliber, serial number 12873, loaded with six live rounds of ammunition; and (3) a Mossberg, model 500, 16 gauge shotgun, with no serial number, and a barrel less than 18 inches in length, loaded with three live rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 15, 2004, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

JAMES HOGELAND

knowingly possessed a firearm, that is, a destructive device (an improvised explosive device), in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 15, 2004, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

JAMES HOGELAND,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, (1) a Smith & Wesson, model 422, .22 caliber pistol, serial number TBZ5138, loaded with seven live rounds of ammunition; (2) a Smith & Wesson, model Mark II 1st Model, .455 Mark II caliber, serial number 12873, loaded with six live rounds of ammunition; (3) a Johnson Arms and Cycle Works, model Target sealed 8, .22 LR revolver, serial number M66902; (4) a Charter Arms, Model AR-7 Explorer, .22 LR rifle, serial number A185167; (5) a Sturm, Ruger & Co., model 10/22, .22 LR rifle, serial number 232-14032; (6) an Ithaca, .20 gauge shotgun, model 37 Featherlight, with no serial number; (7) a Savage Arms Corp, model 24V, rifle-shotgun combination, (.20 ga, .222 REM), with an obliterated serial number; (8) a Marlin, model 336, 30-30 WIN rifle, serial number 69-127111; (9) a Winchester, model 120, 12 gauge shotgun, serial number L1902081; (10) a Remington, model 700, 7mm rifle, serial number D6826785; (11) a Sturm, Ruger & Co., model Mini-14, .223 caliber rifle, serial number 184-00725; (12) a Stevens Arms Co., model 107, 12 gauge shotgun, serial number 6914; (13) a Mossberg, model 500, 16 gauge shotgun, with no serial number, loaded with three live rounds of ammunition; (14) a CBC, model Nylon 66, .22LR rifle, serial number 113552; (15) a Stevens Arms Co., model 335, 16 gauge shotgun, serial number A3306; (16) a Volunteer Enterprises Inc., model Commando Mark III, .45 auto rifle, serial number 09667; (17) a Winchester, model 255,

.22 Win Mag caliber rifle, serial number B839332; (18) a Browning Arms Co., model 78, 25-06 caliber rifle, serial number W4711457; and (19) a Remington, Model 760 Gamemaster, 30-06 caliber rifle, serial number A7476666.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 15, 2004, in the Eastern District of Pennsylvania, defendant

JAMES HOGELAND

knowingly received and possessed a firearm silencer not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5845(a), 5861(d), and 5871.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 15, 2004, in the Eastern District of Pennsylvania, defendant

JAMES HOGELAND

knowingly received and possessed a firearm, that is, a short barreled shotgun (a Mossberg, model 500, 16 gauge shotgun, with no serial number and, and a barrel less than 18 inches in length, loaded with three live rounds of ammunition), not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5845(a), 5861(d), and 5871.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 15, 2004, in the Eastern District of Pennsylvania, defendant

JAMES HOGELAND

knowingly received and possessed a firearm, that is, a destructive device (an improvised explosive device), not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5845(a), 5861(d), and 5871.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 15, 2004, in the Eastern District of Pennsylvania, defendant

JAMES HOGELAND

knowingly possessed a firearm which had the serial number altered and obliterated and had been shipped and transported in interstate commerce, that is, a Savage Arms Corp, model 24V, rifle-shotgun combination, (.20 ga, .222 REM), with an obliterated serial number.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 922(g)(1), as set forth in this indictment, defendant

JAMES HOGELAND

shall forfeit to the United States of America the firearms and ammunition involved in the commission of these offenses, that is:

(1) a Smith & Wesson, model 422, .22 caliber pistol, serial number TBZ5138, loaded with seven live rounds of ammunition;

(2) a Smith & Wesson, model Mark II 1st Model, .455 Mark II caliber, serial number 12873, loaded with six live rounds of ammunition;

(3) a Johnson Arms and Cycle Works, model Target sealed 8, .22 LR revolver, serial number M66902;

(4) a Charter Arms, Model AR-7 Explorer, .22 LR rifle, serial number A185167;

(5) a Sturm, Ruger & Co., model 10/22, .22 LR rifle, serial number 232-14032;

(6) a Ithaca, .20 gauge shotgun, model 37 Featherlight, with no serial number;

(7) a Savage Arms Corp, model 24V, rifle-shotgun combination, (.20 ga, .222 REM), with an obliterated serial number;

(8) a Marlin, model 336, 30-30 WIN rifle, serial number 69-127111;

(9) a Winchester, model 120, 12 gauge shotgun, serial number L1902081;

(10) a Remington, model 700, 7mm rifle, serial number D6826785;

(11) a Sturm, Ruger & Co., model Mini-14, .223 caliber rifle, serial number 184-00725;

(12) a Stevens Arms Co., model 107, 12 gauge shotgun, serial number 6914;

(13) a Mossberg, model 500, 16 gauge shotgun, with no serial number, loaded with three live rounds of ammunition;

(14) a CBC, model Nylon 66, .22LR rifle, serial number 113552;

(15) a Stevens Arms Co., model 335, 16 gauge shotgun, serial number A3306;

(16) a Volunteer Enterprises Inc., model Commando Mark III, .45 auto rifle, serial number 09667;

(17) a Winchester, model 255, .22 Win Mag caliber rifle, serial number B839332;

(18) a Browning Arms Co., model 78, 25-06 caliber rifle, serial number W4711457;

(19) a Remington, Model 760 Gamemaster, 30-06 caliber rifle, serial number A7476666;

(20) an improvised explosive device; and

(21) a firearm silencer.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY